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New Jersey State Board of Physical Therapy Examiners
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NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

PUBLIC SESSION MINUTES

April 28, 2015

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A regular meeting of the New Jersey State Board of Physical Therapy Examiners was held at 124 Halsey Street, Newark, New Jersey, in the Somerset Conference Room, 6th Floor, on Tuesday April 28, 2015. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. **Beth Sarfaty, Chairperson of the Board**, called the meeting to order at 9:35 A.M. and a roll call was taken and the following attendance was recorded:

BARBARA J. BEHRENS, P.T.A.	Present
DAVID BERTONE, P.T.	Present
JEAN BICKAL, ESQ	Present
MARY B. BROWNE, P.T.	Present
NANCY KIRSCH, P.T.	Excused
CINDY MOORE, P.T.	Present
BETH SARFATY, P.T.	Present
KAREN WILK, P.T.	Present

Also present were: **John Hugelmeyer, Deputy Attorney General; Lisa Tadeo, Executive Director**

Members of the public: Cathy Chin, representative of Select Medical and Daniel Klim, Executive Director of the American Physical Therapy Association - New Jersey Chapter

PUBLIC COMMENT

I. APPROVAL OF THE MINUTES OF MARCH 24, 2015 BOARD MEETING

A motion was made by Barbara J. Behrens and seconded by Jean Bickal to accept the minutes of the March 24, 2015 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

II. NEW BUSINESS

A. Continuing Education Course Reviewers' Recommendations

The Board reviewed the recommendations of the course reviewers at Rutgers, The State University of New Jersey, for continuing education courses submitted by sponsors for the Board's approval. A motion was made by Mary Browne and seconded by Barbara J. Behrens to accept the course reviewers' recommendations as presented. The 47 approved

courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. A vote was taken and the motion carried by a unanimous vote.

- B. Letter from CIAO Seminars
RE: Course, "Treatment of Upper Extremity Dysfunction H200 Wireless"
- Lecturer

Donna Burton advised the Board that the approved course, "Treatment of Upper Extremity Dysfunction H200 Wireless" will be given with a new course lecturer. Ms. Burton provided the Board with a copy of Courtney Knobi's Curriculum Vitae for its review.

A motion was made by Cindy Moore and seconded by Barbara J. Behrens to acknowledge that the qualifications of Courtney Knobi as lecturer for the course, "Treatment of Upper Extremity Dysfunction H200 Wireless" were supported by her Curriculum Vitae. The Board approved the substitute lecturer. A vote was taken and the motion carried by a unanimous vote.

- C. Letter from Summit Professional Education
RE: Continuing Education Courses

Randy Tatel inquired whether Summit Professional Education needed to submit a separate application for the replay version of a live course and a separate application for the live course itself. Mr. Tatel inquired whether an approved recorded, six-hour presentation can be edited into one or two hour presentations under the same approval number. Mr. Tatel also inquired whether a single application can be used for both the live (in-person) presentations as well as the real-time web broadcast of that workshop. Mr. Tatel further inquired if the application fee for a one-hour course was the same as the application fee for a six-hour course.

A motion was made by Karen Wilk and seconded by Barbara J. Behrens to advise Mr. Tatel that a live course and a recorded course require two separate applications. If a course is edited into sections, then each section must be submitted for approval and a separate application must be submitted for each section. A sponsor can use the one application for a live and webinar of the same workshop provided the webinar consists of (synchronous distance-learning activities) that are a live, didactic learning experience where the instructor and learner are in direct live communication during the course. The application fee is the same for all courses. A vote was taken and the motion carried by a unanimous vote.

- D. Letter from the Rehab Education
RE: Course Name Change

Susan Locker advised the Board that the course, "Leg, Knee and Foot Issues: Regional Interdependence, Dynamic Integration & Specific Motor Control Exercise" was renamed, "Knee, Ankle and Foot Rehabilitation: Feldenkrais & Tai Chi Applications".

A motion was made by Cindy Moore and seconded by Jean Bickal to acknowledge the name change. A vote was taken and the motion carried by a unanimous vote.

- E. Letter from Maureen B. Carrozzino, PT
RE: Continuing Education

Ms. Carrozzino inquired whether course modules that she completes for her employment can count towards the continuing education requirement. Also Ms. Carrozzino asked if these credits can be used towards the professional ethics and jurisprudence requirement.

A motion was made by Jean Bickal seconded by Mary Browne to inform Ms. Carrozzino that the course modules must be offered on a nondiscriminatory basis pursuant to N.J.A.C. 13:39A-9.3(d)l. If the course modules are only offered to individuals who work for the entity, then the modules cannot be considered. Licensees who are selected to participate in the continuing education audit can submit courses that have not been pre-approved by the Board and the Board will determine at that time on a case by case basis whether the courses meet the requirements set forth in N.J.A.C. 13:39A-9 et. seq. and will be granted credit. Also all licensees must complete a New Jersey Jurisprudence Assessment Module in order to meet the jurisprudence requirement. A vote was taken and the motion carried by a unanimous vote.

- F. Letter from Jack Longo
RE: Scope of Practice

Mr. Longo inquired if physical therapists were permitted to perform pulmonary function tests. Mr. Longo informed the Board that the diagnostic center has a physical therapy center and it would like to cross utilize technicians.

A motion was made by Barbara J. Behrens and seconded by Jean Bickal to advise Mr. Longo that physical therapists can perform pulmonary function tests if they are trained and competent to perform the tests. Physical therapist assistants can perform pulmonary function tests under the direct supervision of a physical therapist if the physical therapist assistant is trained and competent to perform the test. The Board will refer Mr. Longo to N.J.A.C. 13:39A-2.4 *Delegation by a Licensed Physical Therapist to Unlicensed Persons* which lists the activities that cannot be delegated to unlicensed persons. A vote was taken and the motion carried by a unanimous vote.

- G. Letter from Jared Cooper, PT
RE: Supervision

Mr. Cooper informed the Board that he supervises students in a Doctoral Physical Therapy program. Mr. Cooper asked for clarification concerning the direct supervision of a student.

A motion was made by Barbara J. Behrens and seconded by Jean Bickal to advise Mr. Cooper that he would need to refer to the terms of the contract that he has with the school/university. A vote was taken and the motion carried by a unanimous vote.

- H. Inquiry from Greg Zacccone, PT
RE: Supervision

Karen Wilk recused herself and did not participate in the discussion.

Mr. Zaccone inquired whether a graduate of a Doctoral Physical Therapy program can work under the direct supervision of a licensed physical therapist prior to the graduate receiving a license.

A motion was made by Barbara J. Behrens and seconded by David Bertone to advise Mr. Zaccone that graduates of a Doctoral Physical Therapy program cannot practice until they receive licenses in the State of New Jersey. A vote was taken and the motion carried by a unanimous vote.

- I. Inquiry from Nicole Cleffi, PT
RE: Supervision

Ms. Cleffi asked for clarification concerning the direct supervision of students. Ms. Cleffi also asked whether Medicare now allows services provided by students to be billed.

A motion was made by David Bertone and seconded by Cindy Moore to advise Ms. Cleffi that she would need to refer to the terms of the contract that she has with the school/university. The Board will also advise Ms. Cleffi that the Board does not have jurisdiction over third party payers, therefore, cannot answer her question concerning Medicare. A vote was taken and the motion carried by a unanimous vote.

III. OLD BUSINESS

- A. Inquiry from Maureen Broderick Wilhelm, PT
RE: Scope of Practice

Ms. Wilhelm inquired whether a physical therapist is permitted to recommend a TENS unit to a patient. Ms. Wilhelm also inquired if a physical therapist can sell TENS units.

A motion was made by David Bertone seconded by Jean Bickal to advise Ms. Wilhelm that a physical therapist can recommend a TENS unit to a patient if it is part of the physical therapy care and the physical therapist educates the patient about the intervention. The Board will also inform Ms. Wilhelm that there is no prohibition concerning the selling of TENS units provided the physical therapist complies with N.J.A.C. 13:39A-3.6 *Prohibition on Excessive Fees: Overutilization*. A vote was taken and the motion carried by a unanimous vote.

IV. FOR YOUR INFORMATION

- A. Federation of State Boards of Physical Therapy
March 2015 News Brief

The Board reviewed the Federation of State Boards of Physical Therapy' March, 2015 News Brief and considered it informational.

- B. Federation of State Boards of Physical Therapy
Comment Summary and Candidate Satisfactory Survey Report

The Board reviewed the National Physical Therapy Examination Comment Summary and Candidate Satisfaction Survey Report and considered it informational.

C. New Jersey Jurisprudence Assessment Module Statistic Report

The Board reviewed New Jersey Jurisprudence Assessment Module Statistic report and considered it informational.

D. Division of Consumer Affairs
State Board of Physical Therapy Examiners
Patient Records; Use of Personal or Other Computer to
Prepare Patient Records
Proposed Amendments: N.J.A.C. 13:39A-3.1 and 3.2
- *From the April 6, 2015 New Jersey Register*

The Board reviewed the notice of the proposed amendments and considered it informational.

E. Consent Order filed April 1, 2015
In the matter of Joanne Paventa, PT

The Board considered the Consent Order filed on April 1, 2015 in the matter of Joanne Paventa, PT, informational.

F. Uniform Penalty letter dated March 9, 2015
In the matter of Niva Herzig, PT

The Board considered the Uniform Penalty letter dated March 9, 2015 in the matter of Niva Herzig, PT, informational.

G. Division of Consumer Affairs
State Board of Physical Therapy Examiners
Proposed Amendments: N.J.A.C. 13:39A-1.2, 2.3, 2.4, 3.1, 3.8, 3.10, 5.1,
5.2, 5.3, 5.5, 6.1, 8.7, 9.2, 9.3 and 9.4
- *From the April 20, 2015 New Jersey Register*

The Board reviewed the notice of the proposed amendments and considered it informational.

Upon a motion made by Mary Browne and seconded by Cindy Moore, the Board voted to go into Executive Session to discuss the following matters involving investigations of violations of the Board's enabling act, the Uniform Enforcement Act and/or Board regulations.

1. Six matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Three matters where additional information has been submitted to the Board concerning pending investigations.

APPLICATIONS APPROVED BY THE BOARD

1. Jeel Shukla
2. Swati Junega
3. Christian Batayola
4. Jalpen Shah
5. Paulomi Desai
6. Anup Patel

APPLICATIONS NOT APPROVED BY THE BOARD

1. Sunlta Nair
2. Swati Gupta
3. Hemal Ashok Vyas
4. Donna Butiu
5. Lakshmi C. Jidugu
6. Khushboo Pate
7. Neepa Oza

ADJOURNMENT

The Board returned to Public Session and a motion was made by Karen Wilk and seconded by Barbara J. Behrens to adjourn the meeting at 2:00 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Tadeo
Executive Director